

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED APR 24 '02 PM 1:39 USDCLS

THOMAS MATHEWS, for himself *
and for other similarly situated employees *
of CHEVRONTEXACO CORPORATION, *

Plaintiff, *

v. *

CASE NO.: 02-0285-CG-C

CHEVRONTEXACO CORPORATION, *

Defendant. *

COMPLAINT

COMES NOW, Your Plaintiff, THOMAS MATHEWS, and files this, his
Complaint, and in support hereof shows and avers as follows:

(1) This complaint is for relief under the Fair Labor Standards Act of 1938, as
amended (hereinafter referred to as the "FLSA"), 29 U.S.C. §§ 201 et seq.

(2) As Plaintiff's claims relate to a violation of a federal statute, this Court has
jurisdiction of this matter pursuant to 28 U.S.C. § 1331, federal question jurisdiction.

(3) Plaintiff is an adult resident of Mobile County, Alabama.

(4) Defendant, CHEVRONTEXACO CORPORATION (hereinafter,
"CHEVRONTEXACO") is subject to the FLSA as it is an employer of employees
engaged in interstate commerce or in the production of goods for commerce, or who are
employed in an enterprise engaged in commerce or in the production of goods for
commerce.

(5) Plaintiff is entitled to the protection of the FLSA as he was an employee of CHEVRONTEXACO engaged in interstate commerce at the time of the alleged violation(s) of the FLSA.

(6) Venue is proper in this Court, pursuant to 28 U.S.C. § 1391, because CHEVRONTEXACO is a corporation which is subject to personal jurisdiction in this District as it has business operations in this District, a substantial part of the events or omissions giving rise to the Plaintiff's claim occurred in this District, and the Plaintiff and many of the potential witnesses reside in this District.

(7) As the Plaintiff seeks collective action status for this suit under §216(b) of the FLSA, he has filed with this Complaint his own consent to join as a party-plaintiff.

STATEMENT OF THE FACTS

(8) CHEVRONTEXACO is a global integrated energy company doing business in Mobile County, Alabama.

(9) MATHEWS was hired by a predecessor of CHEVRONTEXACO on or about March 25, 1980 to work at the Hatters Pond facility in Creola, Alabama. TEXACO became Mathews' employer in 1984 and TEXACO merged with CHEVRON to become CHEVRONTEXACO in 2001. Mathews' last job position was plant operator. His employment ended on January 1, 2002.

(10) During the course of Plaintiff's employment by CHEVRONTEXACO, he regularly worked in excess of 40 hours per workweek as defined by the FLSA.

(11) Under a rotating employee scheduling policy of CHEVRONTEXACO applicable to Plaintiff, some hours worked by Plaintiff were applied to the wrong

workweeks and certain workweeks did not contain the correct number of hours according to the FLSA and its interpretive regulations.

(12) As a consequence of the above-described policy, CHEVRONTEXACO failed to compensate Plaintiff for all of his overtime hours at a rate not less than one and one-half times his regular rate as required by § 207 of the FLSA.

(13) CHEVRONTEXACO also failed to appropriately compensate other similarly situated employees who should be given notice of this suit and allowed to opt-in pursuant to § 216(b) of the FLSA.

(14) By its actions and omissions, as described above, CHEVRONTEXACO unreasonably, willfully and/or maliciously violated Plaintiff's rights under the FLSA by failing to pay to Plaintiff the proper rate for overtime worked by him.

(15) As a proximate consequence of these violations of the FMLA, Plaintiff has been caused to suffer damages.

DEMAND FOR RELIEF

(16) Plaintiff respectfully demands and prays the Court to award any and all statutory and non-statutory relief available, including back pay, liquidated, equitable and/or exemplary damages, as well as any and all other, further and different relief, to which the Court finds Plaintiff, and all others similarly situated who consent to opt-in, to be entitled, plus, interest, attorney's fees and the costs of litigation.

Respectfully submitted,



JEFFERY N. GALE (GaleJ6197)
Attorney for Plaintiff

Gale & Gale, P.C.
917 Western America Circle, Suite 205
Mobile, Alabama 36609
(251) 460-0400

**PLEASE ALLOW THE DEFENDANT TO BE SERVED BY CERTIFIED MAIL AT
THE FOLLOWING ADDRESS:**

CHEVRONTEXACO CORPORATION
575 Market Street
San Francisco, California 94105

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**THOMAS MATHEWS, for themselves
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CIVIL ACTION NO.: _____

CONSENT TO JOIN

I, the undersigned, have received and read the Notice of Pendency of Collective Action Under the Fair Labor Standards Act with regard to the above-styled suit.

I was employed by TEXACOCHEVRON CORPORATION from March 25, 1980 to January 1, 2002 at the Hatters Pond facility in Creola, Alabama.

To the best of my knowledge and belief, during my employment by TEXACOCHEVRON, I was subject to the same wage and hour policy as the named Plaintiff that allegedly violates the FLSA.

I, therefore, consent to being named and wish to join in as a party plaintiff in the above-styled collective action lawsuit.

Name: Thomas Davis Mathews
Address: 1131 Abilene Dr. W
Mobile, ALA. 36695

Respectfully submitted,

Thomas Davis Mathews
THOMAS MATHEWS